

REMARKS

Reconsideration of the application is respectfully requested.

1. The Office Action objects to claim 1 for lack of proper antecedent basis. Claim 1 has been cancelled.
2. Examiner has rejected Claim 1 under 35 U.S.C. § 102(b) for being anticipated by Trautz (US 5,962,090)

Without acquiescing to the rejection and in order to advance prosecution, Applicant has cancelled Claim 1. New claim 4 now reads as follows:

"A heat insulation window comprising:

- (a) a pair of outer panes defining an air space therebetween;
- (b) a spacing member disposed between the outer panes which maintain the panes in a spaced-apart relationship, the spacing member comprises a central spacer and opposing lateral members, wherein the central spacer engages and separates the opposing lateral members and at least one lateral member comprises an attachment for retaining an interior film, and wherein the spacing member further comprises an outer surface extending between the first and second lateral members;
- (c) wherein a first lateral member defines a first sealing groove, and a second lateral member defines a second sealing groove;
- (d) an exposed metal band parallel to and overlaying the outer surface, wherein the band comprises edge flanges which fit into the sealing grooves, isolating the sealing grooves from the interface between the metal band and the central spacer;
- (e) a first seal disposed within the first sealing groove, and a second seal disposed within the second sealing groove, wherein the first and second seals are separated by the central spacer."

Claim 4 is submitted to be novel in light of Trautz at least for the following reasons.

In Trautz, the metal band is completely enclosed by the single seal. In contrast, in the present invention, the metal band is exposed, and it separates the first and second seals. In Trautz, as the metal band expands or contracts with temperature variations, it is more likely to cause the seal to fail because the seal wholly encompasses the metal band. However, with the present invention, expansion or contraction of the metal band is less likely to affect the integrity of the seal because of

the limited contact between the two. This is the advantage of providing two separate seals along distinct sealing grooves separated by the central metal band. Trautz fails to disclose this element.

Furthermore, in Trautz, the metal band edge flanges (to the extent such flanges exist) do not isolate the spacer in Trautz from the seal. As may be seen in the Figure excerpted in the Office Action, at the edges of the metal band, the seal may creep between metal band and the spacer interface, which is avoided by the seal-edge flange configuration in the present invention.

3. Examiner has rejected Claims 1 and 2 under 35 U.S.C. § 103 as being obvious over Grether (US Patent No. 5,237,787) in view of Trautz (US 5,962,090).

With respect, it is submitted that new claim 4 is free of the prior art Grether and Trautz. As discussed above, Trautz fails to disclose separate first and second seals, separated by an exposed metal band. Trautz also fails to disclose edge flanges which isolate the interface between the metal band and the central spacer from the seal.

Grether fails to remedy the deficiency of Trautz. The metal band in Grether does not have edge flanges, and does not isolate the interface between the metal band and the spacing profile. In fact, in Grether, it is specifically acknowledged that the adhesive seal in Grether bonds the spacing profile and the sealing (metal) band in the edge regions. As stated in the Background section of the present application, this adhesive may creep between the spacing profile and the metal band, causing problems.

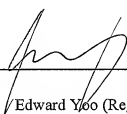
Neither Grether nor Trautz teaches the benefit of providing two separate seals, which are isolated from the interface between the central spacer and the metal band. Therefore, the combination of Grether and Trautz fails to teach each and every limitation of new claim 4. It is submitted that a *prima facie* finding obviousness cannot be made.

CONCLUSION

In view of the foregoing remarks and amendments, it is respectfully submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Respectfully submitted,

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